

## European Commission Work Programme - Environment & Energy

### Summary

With over 50% of regulation implemented locally originating in the European Union (EU), local government awareness about forthcoming EU legislative proposals is crucial. This report details the key environmental and energy initiatives highlighted by the European Commission's work programme for 2010. The paper also includes an updated position paper on Bio-waste which the EU is currently considering.

Environment Board members are invited to consider the European initiatives in conjunction with existing priorities so that the overall Environment Programme business plan fully addresses key European initiatives which could affect councils' waste, environment and energy services and resources and is incorporated into overall LGA Group campaign work.

### Recommendations

1. To endorse the priorities listed in the table on page 1.
2. To endorse the draft position paper on Bio-waste to be used in lobbying at the EU and UK Government levels.

### Action

Officers to action Members' recommendations.

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## European Commission Work Programme – Environment & Energy

ISSUE	RISK	OPPORTUNITIES	TIMING
EU proposals manage Bio-waste in the EU	Mandatory targets for separate collection	To influence European Commission and DEFRA consultation so that LAs are not forced to carry out separate collections and most locally appropriate solutions are used.	EC expected to publish plans in July 2010  European Parliament report finalised in July 2010
Simplifying waste legislation – Waste Framework Directive, end-of-life vehicles, batteries and packaging	Potential additional burdens/mandatory requirements for councils	Promote concerns at EU and UK levels so any possible new legislation does not result in unfunded burdens for local authorities	Package expected 2012
Energy Infrastructure Package towards 2020/30	Potential additional burdens/mandatory requirements for councils	Need to ensure review looks at decentralised energy. Promote concerns at EU and UK levels.	Expected Nov 2010
Water Efficiency of Buildings Directive	Potential additional burdens/mandatory requirements for councils	Promote concerns at EU and UK levels so that new legislation does not result in unfunded burdens for local authorities in relation to promoting water savings in public and private buildings.	Expected 2010
Low Carbon Economy Roadmap to 2050	Potential additional burdens/mandatory requirements for councils	Promote concerns at EU and UK levels so that any possible new legislation does not result in unfunded burdens for local authorities	Expected Oct 2010
Revision of EU legislation on Greenhouse Gas  Revision of EU legislation on Greenhouse Gas	Potential additional regulatory work/ responsibilities for councils – probable tighter regulatory controls on businesses such as supermarkets that use fluorinated greenhouse gases (f-gases), which are powerful greenhouse gases	Influence EC to reduce overall impact of greenhouse gases in UK and provide for a realistic and workable regulatory role for regulators including councils	EC expected to publish plans in Oct 2010  EC expected to publish plans in Oct 2010

Revision of existing climate change legislation	Potential additional burdens/mandatory requirements for councils	To ensure increase in GHG emission target (to 30% reduction) – when allocated to public sector targets remains within existing UK targets	EU package to be agreed June 2010.  Binding global agreement is now unlikely to be reached until December 2011
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## Proposals on the Management of Bio-waste in the EU

### Background

1. The European Commission issued a Green Paper at the end of 2008 on the management of bio-waste – also known as kitchen and garden waste - across the European Union. Following endorsement of the LGA position in March 2009, the LGA responded stressing that EU measures such as strengthening the existing Landfill Directive provisions or additional binding legislation could jeopardise long-term strategies and investments which would not sufficiently take account of the impact of local conditions on bio-waste management.
2. Local management of bio-waste is important in improving the efficient use of resources and tackling climate change by reducing methane emissions. Separate collection targets must nevertheless not be forced on local authorities. Councils are best placed to make decisions on the most appropriate solution depending on local circumstances. Specific EU bio-waste recycling targets would risk undermining waste prevention and home composting. The full LGA response to the Green Paper can be accessed <http://www.lga.gov.uk/lga/core/page.do?pagelId=1755797>
3. In addition, it should be emphasised that a greater focus should be given to the holistic management of municipal and non-municipal bio-wastes as well as on the development of end-markets for products. Specifically, there should be a link to the EU Soil Strategy given the strong connection between bio-waste and soil.

### Current Negotiations

4. Following publication of the Green Paper, the European Commission is currently considering next steps and is expected to issue plans in the summer which will lay down the overall direction for the further development of bio-waste management across the EU. It is understood that the Commission is unlikely to call for separate legislation on bio-waste and will instead focus on looking at how it can use existing legislative instruments under the revised Waste Framework Directive. The European Parliament is also currently considering its response to the Commission's Green Paper and is calling on the European

# 23 4

Commission to issue a separate directive on bio-waste with mandatory separate collection systems imposed.

5. In presentations, the European Commission has hinted at possible proposals in the following areas:
  - Develop guidance on bio-waste elements of the waste prevention programmes as envisaged by revised Waste Framework Directive
  - Indicative EU wide targets on waste prevention
  - Target for separate collection of bio-waste (kitchen and garden waste) and/or targets for bio-waste that is biologically treated
  - EU wide end-of-waste criteria for digestate/compost from bio-waste to enable EU wide circulation as a product.
  - EU wide rules on use of compost/digestate from bio-waste that is not classified as a product
6. Recycling targets for both kitchen and garden waste are expected to be stringent but could be phased in over a specified period as part of a review of the existing Waste Framework Directive recycling targets by the end of 2014.
7. As detailed above, the LGA is opposed to separate legislation on bio-waste with mandatory collection targets or systems and we have raised these concerns at the EU level. We are also working closely with DEFRA. The previous UK government position was also against separate mandatory collection targets but this could now potentially be subject to change depending on the position of the new Government. The UK is currently supported by a number of other Member States which do not want a separate Directive on bio-waste, namely Denmark, Sweden, Finland, France and the Netherlands. Those Member States calling for separate legislation include Belgium, which will be taking over the EU Presidency on July 1 of this year.

## **Other Issues**

### **Definitions of Waste**

8. Any targets for biodegradable waste laid down as a result of the 2014 review of the Waste Framework Directive should have a wider holistic approach and not be restricted to municipal waste because it may make sense to manage municipal and non-municipal wastes together in the same facility (for example forestry and parks and gardens waste).
9. The LGA is responding to a DEFRA consultation on banning certain substances from landfill, including food waste and this will also include detail of the current debate at the EU level. The previous Government gave a guarantee that any changes on the classification of waste would not result in additional financial burdens on councils. We will be seeking similar assurances from any potential new Government.

## Treatment Options

10. The key environmental concern is ensuring the diversion of bio-waste from landfill, not the particular treatment option used. A specific technology may not be the most suitable solution in all cases or geographical locations and therefore it is essential that local authorities have the flexibility to make land-use planning and other decisions on treatment options based on local conditions, alongside other waste producers and the composting and waste management sectors locally. The European Parliament draft report calls on the European Commission to lay down criteria on the *production* of compost yet also notes that the emphasis of bio-waste management must be the *result*. The LGA believes the emphasis should be on the end product rather than the means used to get there. Anaerobic digestion is a good example of new technology which is being used increasingly across the sector. Many local authorities have made long-term commitments to collection and treatment systems to meet the requirements of the Landfill Directive, which is likely to limit their ability to introduce new technologies. DEFRA moves to introduce a possible ban on food waste going to landfill could potentially see higher costs for treatment imposed as a result of new technologies.
11. The key **economic concern** of treatment is to ensure all waste producers are able to use facilities where it makes sense. Local authorities can take a strategic role in indicating the level of capacity required for bio-waste treatment, and thereby support their local business community to manage waste more sustainably and economically, alongside their residents.
12. We have a further concern regarding the **need for end-uses and markets** for bio-waste products like compost or digestate. We support an integrated approach which addresses standards and usage rules for output from both mixed and source-separated waste as a means of increasing consumer confidence.

## Financial Implications

13. Separate collection targets for bio-waste could result in increased costs for local authorities having to introduce new waste management systems to meet these targets. Heavy targets to avoid waste going to landfill are already imposed through the Landfill Directive and additional targets would simply impose new and unnecessary financial burdens on local authorities.

## Implications for Wales

14. Welsh authorities are likely to have similar concerns, however waste is a devolved issue (save for taxation policy) and their position may vary in some ways.

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23 4